

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

TUESDAY, APRIL 29, 1986

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Gotch at 10:00 a.m.
Deputy Mayor Struiksma adjourned the meeting at 11:20 a.m. to meet
as the Redevelopment Agency.

ATTENDANCE DURING THE MEETING:

- (M) Vacant
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-present
- (3) Council Member McColl-present
- (4) Council Member Jones-present
- (5) Council Member Struiksma-present
- (6) Council Member Gotch-present
- (7) Council Member McCarty-present
- (8) Council Member Martinez-present
- Clerk-Abdelnour (eb)

FILE: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Vacant
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-present
- (3) Council Member McColl-present
- (4) Council Member Jones-present
- (5) Council Member Struiksma-not present
- (6) Council Member Gotch-present
- (7) Council Member McCarty-present
- (8) Council Member Martinez-present

ITEM-201: (R-86-1919) ADOPTED AS RESOLUTION R-265595

FINDINGS MUST BE MADE AS A PART OF COUNCIL ADOPTION.

Determining and declaring that the public interest,
convenience and necessity of the City requires the
construction or erection, operation and maintenance of a
traffic guardrail, street signs and street sign easements

adjacent to State Route 125 in portions of Sections 26 and 36, Township 18 South, Range 1 West, San Bernardino Meridian; and that the public interest, convenience and necessity demand the acquisition of said property interests for said public street purposes; declaring the intention of the City to acquire said property and easements under eminent domain proceedings; directing the City Attorney of the City of San Diego to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring said property.

(See City Manager Report CMR-86-184. Otay Mesa Community Area. District-8.)

Aud. Cert. 86724.

FILE: MEET

COUNCIL ACTION: (Tape location: A185-241.)

Hearing began 10:17 a.m. and halted 10:20 a.m.

MOTION BY MARTINEZ TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-not present, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

ITEM-330: REFERRED TO PLANNING COMMISSION

(Continued from the meetings of January 14, 1986, Item 334; February 11, 1986, Item 333 and March 11, 1986, Item 337; last continued at Council Member McCarty's request.)

Appeal of Frank M. Goldberg from the decision of the Planning Commission in denying Conditional Use Permit CUP-85-0254, which proposes to construct and operate a six-story, 52-unit student housing facility, consisting of 52 two-bedroom units with 104 off-street parking spaces. The subject property (31,198 square feet on a .072-acre site), is located on the east side of 55th Street between Hardy Avenue and Lindo Paseo and is further described as Lots 1, 2, 24 and 25, Block 18, College Park No. 3, Map-2527. The project site is in Zone R1-5000 and is in the State University Community Plan area.
(CUP-85-0254. District-7.)

Subitem-A: (R-86-)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-85-0254 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and

that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-86-)

Adoption of a Resolution granting or denying the appeal and the permit with appropriate findings to support Council action.

FILE: PERM CUP-85-0254

COUNCIL ACTION: (Tape location: A249-B132.)

MOTION BY McCARTY TO REFER THE APPEAL TO THE PLANNING COMMISSION TO HEAR AS A ZONING MATTER. Second by Martinez. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-not present, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

ITEM-331: (R-86-1651) ADOPTED AS RESOLUTION R-265596

Vacating Virginia Avenue, south of Border Village Road and adjacent to Lot A-164, San Ysidro Addition, Map-1194, and a portion of Section 1, Township 19 South, Range 2 West, under the procedure for the summary vacation of streets where there is no present or prospective use for the street either for the public street system for which the right-of-way was originally acquired or for any other public use of a like nature that can be anticipated in that the right-of-way is no longer needed for public street or open space purposes.

(San Ysidro Community Area. District-8.)

CITY MANAGER REPORT: The street vacation of Virginia Avenue south of Border Village Road has been petitioned by the abutting property owners to facilitate development of the adjacent property. Virginia Avenue extends southerly from Border Village Road and deadends at Interstate 5. The area of vacation is unimproved and is no longer needed for either traffic circulation or for access to adjacent properties. It does, however, contain franchise utilities for which separate utility easements have been acquired by the concerned utility companies. The right-of-way also contained a dead-end water main which has been cut and plugged in Border Village Road. Therefore, no easements are to be reserved from the proposed vacation. Border Village Road is fully paved, but lacks curb, gutter and sidewalk adjacent to the abutting properties of the proposed vacation. In view of the lack of improvements adjacent to the properties, no improvements are being required of this vacation, but the applicants have signed waivers of protest for any improvements

installed under Assessment Proceedings. Staff review has indicated that the right-of-way is no longer needed for present or prospective use and can be vacated.

FILE: STRT J-2598 DEED F-3348 DEEDFY86-1

COUNCIL ACTION: (Tape location: B133-170.)

Hearing began 10:54 a.m. and halted 10:56 a.m.

MOTION BY MARTINEZ TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

ITEM-332: REFERRED TO PLANNING DEPARTMENT

Rezoning Loma Alta No. 2, Lot A and Pueblo Lot 212 (portion below mean high tide line) and Parcel 1, Parcel Map PM-12389 (approximately 14.1 acres), located north of West Point Loma Blvd., south of Sunset Cliffs Blvd. and I-8, and east of Nimitz Blvd., in the Ocean Beach Precise Plan area, from Zone R-400 to Zone CV.
(Case-84-0668. District-2.)

Subitem-A: (R-86-1741)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-84-0668 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-86-161 Rev.)

Introduction of an Ordinance for CV Zoning.

FILE: Zone Ordinance No.

COUNCIL ACTION: (Tape location: B170-519.)

Hearing began 10:57 a.m. and halted 11:19 a.m.

Testimony in opposition by Mark Dodge and Dusty Rhodes.

MOTION BY CLEATOR TO REFER THE MATTER TO THE PLANNING DEPARTMENT

FOR REVIEW WITH THE OCEAN BEACH COMMUNITY PLANNING GROUP FOR REZONING CONSISTENT WITH THE COMMUNITY PLAN. Second by Gotch.

Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

ITEM-S500: (R-86-2040) THIS ITEM WAS TAKEN ON MONDAY, APRIL 28, 1986, AS UNANIMOUS CONSENT NO. 1

Saluting and thanking Harold and Dorothy Hoersh, owners of the Hob Nob Hill Restaurant, for their 40 years of service to the citizens of San Diego and for their dedication to providing quality meals and service.

FILE: --

COUNCIL ACTION: (Tape location: --.)

ITEM-S501: (O-86-186) CONTINUED TO MAY 5, 1986

Introduction and adoption of an Ordinance creating a Department of Binational Affairs under the direction of the City Manager; amending the Annual Appropriations ordinance to add two Unclassified Positions (Director and Assistant Director of Binational Affairs); transferring \$16,650 from the Allocated Reserve for the purpose of one month's funding.

Aud. Cert. 86883.

COMMITTEE ACTION: Reviewed by RULES on 4/7/86. Forwarded to full Council without recommendations. Districts 2, 3, 5 and 8 voted yea.

FILE: --

COUNCIL ACTION: (Tape location: A180-A185.)

MOTION BY MARTINEZ TO CONTINUE TO MAY 5, 1986 AT CITY ATTORNEY'S REQUEST. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-not present, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

ITEM-UC-3: MOTION TO HEAR THE MATTER FAILED

A matter presented to the City Council with UNANIMOUS CONSENT:

The matter of petitions requesting a reconsideration of the Market Street Name Change to Dr. Martin Luther King, Jr. Way because of the historic value of Market Street and the financial burden the name change places upon the petitioners.

FILE: MEET

COUNCIL ACTION: (Tape location: A010-179.)

MOTION BY CLEATOR TO SUSPEND THE RULES OF THE COUNCIL TO PLACE THE MATTER BEFORE THE COUNCIL FOR INDIVIDUALS TO DISCUSS THEIR REQUESTS FOR RECONSIDERATION OF THE MARKET STREET NAME CHANGE TO

DR. MARTIN LUTHER KING, JR. WAY. Second by Wolfsheimer. Failed by the following vote: Wolfsheimer-yea, Cleator-yea,

McColl-yea, Jones-nay, Struiksma-not present, Gotch-nay,
McCarty-yea, Martinez-nay, Mayor-vacant.

ITEM-CS-1: (R-86-1869) ADOPTED AS RESOLUTION R-265587

A Resolution adopted by the City Council in Closed Session
on April 29, 1986:

Authorizing and empowering the City Manager to pay the sum
of \$11,000 in the settlement of each and every claim
against the City of San Diego, its agents and employees,
resulting from the personal injury to Michael D. Hasley;
authorizing the Auditor and Comptroller to issue one check
in the amount of \$11,000 made payable to Michael D. Hasley
and his attorney, James E. McElroy, in full settlement of
this claim.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Struiksma at
11:20. a.m.

FILE: MEET

COUNCIL ACTION: (Tape location: B519.)